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SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

SUMMARY RECORD OF THE 11th MEETING

Held at Headquarters, New York,
on Wednesday, 6 September 1978, at 10.30 a.m.

Chairman: Mr. CUEVAS CANCINO (Mexico)

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The meeting was called to order at 11 a.m.

CONSIDERATION, PURSUANT TO PARAGRAPH 2 OF GENERAL ASSEMBLY RESOLUTION 32/150, OF PROPOSALS AND SUGGESTIONS SUBMITTED BY STATES (continued) (A/AC.193/L.3)

1. Mr. CANALES (Chile) said that his country saw the defence of peace as a moral and legal obligation for all nations. Peaceful coexistence and international co-operation depended on respect for the rights and sovereignty of nations, on non-intervention in the internal and external affairs of States, on the peaceful settlement of international disputes, on the non-use of force and on respect for treaties. The most effective way to establish world peace was to comply strictly with the principles of the Charter and to fulfil in good faith the obligations arising from it.

2. The proposed draft, the aim of which was to achieve world peace by means of a treaty on the non-use of force in international relations, required careful consideration with regard to its legal implications in order to establish whether such a treaty would contribute to the strengthening of international law and be in keeping with the aims of the United Nations or whether its provisions would conflict with the existing norms of international law or with the provisions of the Charter itself.

3. The fundamental principles of contemporary international law were set forth in the Charter, and the principles of the non-use of force and the peaceful settlement of disputes were not only set forth clearly in the Charter itself but also in many United Nations resolutions and in various bilateral and multilateral agreements. General Assembly resolution 2625 (XXV) referred, inter alia, to the principles in question. It did so, moreover, in very comprehensive terms, whereas that was not true in the case of the draft Treaty now before the Committee (A/AC.193/L.3). His delegation felt that the Treaty should, for example, include the following paragraph appearing in resolution 2625 (XXV): "Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of said acts, when the acts referred to in the present paragraph involve a threat or use of force". That requirement deserved attention because terrorism was a form of struggle being employed on several continents. The draft Treaty should also include the following paragraph from the preamble to resolution 2625 (XXV): "Recalling the duty of States to refrain in their international relations from military, political, economic or any form of coercion aimed against the political independence or territorial integrity of any State." There were industrialized countries and great military Powers that could cause at least as much harm by means of political, ideological, economic and other types of pressure as by means of military coercion.

4. With regard to the principle of peaceful settlement of disputes, article II of the draft World Treaty merely reiterated provisions of the Charter and, at the same time, omitted many concepts that were clearly set forth in the Charter. Moreover, in article I, dealing with the non-use of force, no mention was made of the instances in which the Charter made provision for the use of force.

(Mr. Canales, Chile)

5. Even though the most effective way to put a stop to the threat or use of force was to achieve the elimination of Member States' armed forces, it was not appropriate to devote a special article of the draft Treaty to that question, since matters relating to disarmament had been entrusted to specific United Nations bodies.

6. As his delegation had observed in the First Committee at the thirty-first session of the General Assembly, if principles and rights were respected with the good faith called for by the Charter, there would be no need for the proposed special treaty. If principles and rights already in existence were not respected, such a treaty would probably be treated with the same lack of respect.

7. His delegation supported any initiative directed towards fulfilling the fundamental aim of the United Nations, namely, the maintenance of international peace and security, but it could not endorse a draft of which, in its opinion, the following could be said: (a) it merely reiterated the provisions of the Charter, (b) it was incomplete and did not represent a step forward in international law, and (c) there were omissions in the text, since it did not include the exceptions to the general prohibition of the non-use of force provided for in the Charter.

8. Mr. MAGNAVITA (Brazil) said that the subject under consideration by the Special Committee constituted the very "raison d'être" of the United Nations. The Charter dealt with the principles of the non-use of force and the peaceful settlement of disputes in Article 2, paragraph 4, and Chapter VI; a single exception was provided for in Article 51. Chapter VII of the Charter unequivocally gave a monopoly of the use of force to the United Nations. There was no doubt whatsoever that the Charter covered all those matters comprehensively. The principle of the non-use of force in international relations had also been incorporated into a number of United Nations resolutions and into bilateral and multilateral instruments currently in force.

9. His delegation therefore remained unconvinced of the necessity or advisability of supplementing the Charter on that specific point. Nevertheless, it would not fail to co-operate in preparing a document that would reinforce the principle of the non-use of force once a consensus was reached on the need for such a document. His delegation would then work for the preparation of a text embodying other related principles, such as the sovereign equality of States, non-interference in the internal affairs of States, the duty of Member States to co-operate among themselves with a view to the promotion of peace, international security, economic development and stability, and self-determination and independence for all peoples of the world. The elaboration of such a treaty should take place concurrently with the consideration of other problems pertaining to the essence of international security.

10. In order to achieve its real aims, a treaty on the non-use of force should, moreover, go beyond the problem of the deployment of armed forces and consider other forms of coercion that were frequently as effective as military means, such as economic or other types of aggression.

ORGANIZATION OF WORK

11. The CHAIRMAN, replying to a question by the representative of the Soviet Union, said that at a recent meeting of the Bureau the possibility of the Committee's approving an analytical table of the various articles of the Soviet draft had been put forward and the establishment of an open-ended group had been proposed.

12. Further points that had been discussed were: the exceptions which it had been felt should be provided for in the draft Treaty, the implications of the Committee's work for disarmament and peace-keeping operations, and the problem of the incorporation into domestic law of the principles established in the draft Treaty.

13. Although a majority of the speakers who had already taken part in the general debate supported the idea of proceeding with discussion of the Soviet draft, others had expressed objections. He hoped that the Committee would determine at its next meeting whether its decisions were to be adopted by consensus or by taking a vote.

The meeting rose at 11.30 a.m.